

## Nays—12

Aikin	Metcalf
Beck	Morris
Bullock	Shivers
Jones	Sulak
Lovelady	Vick
Martin	Winfield

## Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

## Joint Session

At 12:00 o'clock m., the Senate repaired to the Hall of the House of Representatives for a joint session with the House to hear an address by the Honorable Sam Rayburn, Speaker of the House of Representatives of the United States.

The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them along the center aisle.

On invitation of the Speaker, President pro tempore Mauritz occupied a seat at the Speaker's desk.

The President pro tempore called the Senate to order and announced a quorum of the Senate present.

Speaker Price Daniel called the House to order and ascertained and announced the presence of a quorum of the House.

The Honorable Sam Rayburn and his party were announced at the bar of the House and were escorted to the Speaker's rostrum by Governor Coke R. Stevenson and by Senators Aikin, Jones, and Morris and Representatives Moore of Fannin, Connelly, Hutchins, Carlton, Murray, Evans, Morgan, Benton, Mangum, Bond, Leonard, and Morse.

Speaker Daniel presented to the joint session the following distinguished guests: Honorable Lyndon Johnson and Mrs. Johnson; Honorable Lee Satterwhite, Honorable Robert Lee Bobbitt, Honorable Gerald C. Mann, Judge W. A. Keeling, Honorable Walter Woodul, Honorable C. R. Granberry, Chief Justice James P. Alexander, Honorable Beauford Jester, Honorable Ernest O. Thompson, and Mrs. Sam E. Johnson.

Speaker Price Daniel presented Honorable Choice Moore, who ad-

ressed the joint session briefly and presented a portrait painting of the Honorable Sam Rayburn, to be hung in the Hall of the House.

Speaker Daniel then presented Governor Coke R. Stevenson, who introduced Honorable Sam Rayburn, Speaker of the House of Representatives of the United States, to the joint session.

Speaker Rayburn addressed the joint session.

President pro tempore Mauritz presented Senator Chas. R. Jones, who in turn presented to Speaker Rayburn an official copy of the resolution providing for the joint session.

## Adjournment

The President pro tempore announced the completion of the purpose of the joint session; and at 12:55 o'clock p. m., declared the Senate adjourned until 10:00 o'clock a. m. tomorrow in accordance with a motion previously agreed to by the Senate.

## SIXTY-FIRST DAY

(Thursday, April 29, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Reports of Standing Committees**

Senator Stone submitted the following report:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 439, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and be mimeographed and not otherwise printed.

STONE, Chairman.

Senator Beck submitted the following report:

Committee Room,  
Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts to whom was referred H. B. No. 716, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 99, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 94, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 93, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 717, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 651, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 278, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Committee substitute therefor do pass and be mimeographed and not otherwise printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 268, have had same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 359, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 324, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 105, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 106, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 103, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice-Chairman.

Senator Lovelady submitted the following report:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate:

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 544, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

#### Senate Bill 365 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 365, A bill to be entitled "An Act applicable to any city which has outstanding non-callable waterworks revenue bonds issued under a law or secured by an instrument of encumbrance prohibiting use of the income of its waterworks system for the payment of any other debt, expense or obligation until the indebtedness so secured shall have been finally paid, and which has in its treasury, available for the purpose, money sufficient to pay the principal of all of said bonds and interest calculated to their respective maturities; providing that any such city may deposit with the State Treasurer an amount sufficient to pay and for the purpose of paying all of said bonds with interest to their respective maturities; providing that when such city or town shall have deposited money with the State Treasurer in accordance with this Act and after an authorizing election on the question, it shall have authority to issue additional waterworks revenue bonds securing them by a pledge of the revenues of the waterworks sys-

tem and in such other manner as is authorized by the law under which it issues such new bonds; providing for subsequent issues of revenue bonds subject to prescribed limitations; providing for the approval of such additional bonds by the Attorney General and prescribing the effect thereof; prescribing the duties of the State Treasurer as to the use and investment of such deposited funds; providing that nothing shall be done under this Act that will impair the rights of the holders of such outstanding revenue bonds; providing that the official bond of the State Treasurer will protect such deposited fund and investments; containing a severability clause; making the Act cumulative but controlling when inconsistent with or in conflict with other laws; enacting other provisions relating to this subject; and declaring an emergency."

To Committee on Commerce and Manufacturing.

#### Senate Resolution 92

Senator Graves, by unanimous consent, offered at this time the following resolution:

S. R. 92, Inviting Mr. G. B. Dealey to address the Senate.

Whereas, Mr. G. B. Dealey, publisher of the Dallas Morning News, will be in Austin, Texas, on Friday, April 30, 1943; and

Whereas, Mr. G. B. Dealey is one of the outstanding publishers of the Nation and has for more than half a century devoted the great power of the newspaper of which he is the guiding genius to the upbuilding of Texas with an indiscriminating love for all its sections; and

Whereas, Mr. G. B. Dealey is a distinguished citizen and philanthropist of this State, whose span of service in the newspaper field embraces a period of more than sixty years in which Texas has grown from a pioneer State of less than one million people to a State embracing more than six million people, and containing industries surpassed by only a few States in the Union; and

Whereas, Mr. G. B. Dealey is continuing his untiring efforts for the development and progress of Texas through the Dallas Morning News

and its affiliated enterprises; now, therefore, be it

Resolved, That Mr. G. B. Dealey be invited to address the Senate and the privileges of the floor be extended to him for the day.

GRAVES,  
MOFFETT.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 52

Senator Aikin offered the following resolution:

S. C. R. No. 52, Relating to purchase of used equipment by State departments and institutions.

Whereas, On account of the extreme scarcity of many critical materials occasioned by the war, it is impossible to purchase many types of new equipment and supplies; and

Whereas, The manufacture of many types of equipment and supplies has been stopped by the Federal Government and many factories that at one time manufactured such equipment and supplies have been changed into factories for the production of different types of war equipment and armament; and

Whereas, In many instances where a limited amount of new equipment and supplies are still available, a priority rating is required that is so high that many State departments, institutions, colleges and State agencies can not secure such priorities, thus preventing them from making the purchase of new equipment and supplies; and

Whereas, The Federal Government has insisted that used equipment be purchased in lieu of new equipment when such used equipment will render the service desired; therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That departments, institutions, colleges and other State agencies be permitted to purchase used equipment and supplies when new equipment can not be secured, such purchases to be approved by the State Board of Control.

The resolution was read; and on motion of Senator Aikin, and by unanimous consent, it was considered immediately.

The resolution was adopted.

# **Report of Conference Committee on Senate Bill 155**

Senator Weinert submitted the following report:

Committee Room,  
Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate,  
Hon. Price Daniel, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 155, have met and considered said bill, and recommend that it do pass in the form and text as attached hereto.

Respectfully submitted,

WEINERT,  
MOORE,  
LANE,  
LOVELADY,  
RAMSEY,

On the Part of the Senate;

LITTLE,  
CARRINGTON,  
GREEN,  
FLEWELLEN,  
ISAACKS,

On the Part of the House.

By Weinert:

S. B. No. 155, A bill to be entitled "An Act to amend Subdivision 23 of Article 1995 of the Revised Civil Statutes of the State of Texas, 1925; setting an effective date; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Subdivision 23 of Article 1995 be and the same is hereby amended so that the same shall hereafter read as follows:

"23. Corporations and Associations. Suits against a private corporation, association, or joint stock company may be brought in the county in which its principal office is situated; or in the county in which the cause of action or part thereof arose; or in the county in which the plaintiff resided at the time the cause of action or part thereof arose, provided such corporation, association or company has an agency or representative in such county; or, if the corporation, association, or joint stock company had no agency or representative in the county in which the plaintiff resided at the time the cause of action or part thereof arose,

then suit may be brought in the county nearest that in which plaintiff resided at said time in which the corporation, association or joint stock company then had an agency or representative. Suits against a railroad corporation, or against any assignee, trustee or receiver operating its railway, may also be brought in any county through or into which the railroad of such corporation extends or is operated. Suits against receivers of persons and corporations may also be brought as otherwise provided by law."

Sec. 2. This Act shall not affect any litigation pending at the effective date of this Act, which effective date shall be January 1, 1944.

Sec. 3. The fact that there now exist uncertainty and confusion as to the venue of suits against certain classes of corporations and certain classes of causes of action creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after January 1, 1944, and it is so enacted.

Question—Shall the report be adopted?

On motion of Senator Weinert, the report was adopted.

## **Communication from Mrs. Mary M. Huff**

Senator Winfield submitted the following communication, which was read to the Senate:

My dear Senator Winfield:

I am so grateful for the beautiful resolution the Senate passed, honoring Mr. Huff,—he was in Austin so often and held you men in such high esteem, and it comforts me to know the high esteem in which you held him. Please convey my thanks and appreciation to each member of the Senate, Governor John Lee Smith and Bob Barker.

Sincerely,  
MARY M. HUFF.

## **Committee Substitute House Bill 20 on Passage to Third Reading**

The President laid before the Senate as the unfinished business on its passage to third reading:

C.S.H.B. No. 20, A bill to be entitled "An Act regulating the practice of

chiropractic in Texas; creating an examining board of graduate chiropractors; providing for the appointment and maintenance thereof; providing for an executive secretary and assistants; fixing bond for the executive secretary; outlining qualifications of the chiropractors making up the board; prescribing duties of the board; fixing fees and regulating funds; providing for transfer of certain moneys left as a balance in any fiscal year to the General Fund; defining the science of chiropractic; providing for licensing; providing for license renewal and fee; providing for filing of certified copies of licenses with District Clerks; fixing standards for chiropractic colleges; fixing requirements for examinees and providing exemptions; providing for examination fees; providing for reciprocity and fees; providing for revocation of license after notice and hearing; provided for appeal; providing for action by the Attorney General on application of the board; fixing penalties; repealing all laws in conflict; providing a savings clause; and declaring an emergency."

With motion by Senator Hazlewood to reconsider the vote by which the following amendment by Senator Vick was adopted pending:

"Amend H. B. No. 20, Section 7, by adding the following after the word 'bacteriology,' page 3. line 25; 'Diagnosis, dissecting, roentgenology, non-medical and manipulative therapeutics as taught in chiropractic schools and colleges'."

Question—Shall the motion to reconsider prevail?

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

## Yeas—14

Aikin	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Graves	Shivers
Hazlewood	Sulak
Jones	Vick
Lovelady	Winfield

## Nays—9

Cotten	Morris
Lane	Ramsey
Lanning	Stone
Moffett	Weinert
Moore	

## Absent

Beck

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

Question—Shall the amendment be adopted?

Senator Hazlewood offered the following amendment to the amendment:

Amend the Vick amendment to H. B. No. 20 by striking out the words "as taught in Chiropractic schools and colleges."

Yeas and nays were demanded, and the amendment to the amendment was adopted by the following vote:

## Yeas—13

Brownlee	Mauritz
Bullock	Metcalfe
Graves	Shivers
Hazlewood	Sulak
Jones	Vick
Lovelady	Winfield
Martin	

## Nays—10

Aikin	Moore
Cotten	Morris
Lane	Ramsey
Lanning	Stone
Moffett	Weinert

## Absent

Beck

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The amendment as amended then was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 20, Section 8, by adding after the word "college" where it first occurs in the section as amended, the following:

"who are actively practicing chiropractic in this State on the effective date of this Act, or"

HAZLEWOOD  
METCALFE.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

## Yeas—15

Aikin	Jones
Brownlee	Lane
Bullock	Lovelady
Graves	Martin
Hazlewood	Mauritz

Metcalf	Vick
Shivers	Winfield
Sulak	

Nays—9

Beck	Morris
Cotten	Ramsey
Lanning	Stone
Moffett	Weinert
Moore	

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 20 by adding at the end of Section 3a, the following:

"Provided that it shall be a violation of this Act for any person licensed hereunder to treat any person for infectious or contagious diseases or to engage in the practice of medicine."

Senator Sulak moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—9

Aikin	Mauritz
Graves	Sulak
Jones	Vick
Lovelady	Winfield
Martin	

Nays—15

Beck	Moffett
Brownlee	Moore
Bullock	Morris
Cotten	Ramsey
Hazlewood	Shivers
Lane	Stone
Lanning	Weinert
Metcalf	

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The amendment was adopted.

Senator Brownlee offered the following amendment to the bill:

Amend H. B. No. 20 by striking out everything after the word "than" in Section 1, sub-section "b" on line 58,

and substituting in lieu thereof the following:

"Three (3) being graduates of the same school or college of chiropractic, who have resided and practiced in the State of Texas for at least five (5) years."

The amendment was adopted.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—12

Brownlee	Mauritz
Graves	Metcalf
Hazlewood	Shivers
Jones	Sulak
Lovelady	Vick
Martin	Winfield

Nays—10

Aikin	Moore
Beck	Morris
Cotten	Ramsey
Lanning	Stone
Moffett	Weinert

Absent—Excused

Chadick	Spears
Fain	York
Kelley	

Paired

Senator Bullock (present), who would vote "yea" with Senator Lemens (absent), who would vote "nay."

Senator Lane (present), who would vote "nay" with Senator Formby (absent), who would vote "yea."

#### Motion to Place Committee Substitute House Bill 20 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 20 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—14

Aikin	Jones
Brownlee	Lovelady
Bullock	Martin
Graves	Mauritz
Hazlewood	Metcalf

Shivers	Vick
Sulak	Winfield

## Nays—10

Beck	Moore
Cotten	Morris
Lane	Ramsey
Lanning	Stone
Moffett	Weinert

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

## Bills and Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 684, A bill to be entitled "An Act amending S. B. No. 88, Chapter 205, Regular Session, Forty-seventh Legislature, as amended by H. B. No. 241, Regular Session, Forty-eighth Legislature, so as to provide a penalty for the violation of certain provisions of said Act or made under the authority granted thereunder; etc.; and declaring an emergency."

H. B. No. 660, A bill to be entitled "An Act authorizing cities in Texas to own electric properties lying outside the State and to issue negotiable revenue bonds for the purpose of acquiring such properties, authorizing such cities to enter into contracts for the sale of electricity outside the State; etc.; and declaring an emergency."

H. B. No. 630, A bill to be entitled "An Act amending Article 2337 of the Revised Civil Statutes of Texas; etc.; and declaring an emergency."

H. B. No. 416, A bill to be entitled "An Act appropriating out of the State Highway Fund \$6,151.15 to pay the principal and interest due to John W. Goodrum on that certain judgment rendered in his favor by the Court of Civil Appeals in and for the First Supreme Judicial District of Texas at Galveston on the 8th day of January, 1942, for the principal sum of \$4,175.00, with interest thereon at 6% per annum from the 1st day of April, 1935; etc.; and declaring an emergency."

H. B. No. 10, A bill to be entitled "An Act to amend Section 5 of H. B. No. 18, Chapter 400, Acts of the

Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of H. B. No. 8, Chapter 194, Acts of the Forty-seventh Legislature, Regular Session, 1941, by eliminating from said Section that particular exemption clause reading: 'wholesale and/or retail lumber and building material businesses engaged exclusively in the sale of lumber and building material,' and adding to said Section an exemption of any wholesale and/or retail lumber and/or building material place of business, provided as such as seventy-five (75) per cent of the gross proceeds of the business done at such place of business is derived from the sale of lumber and/or building material; and declaring an emergency."

H. C. R. No. 121, Authorizing the Enrolling Clerk of the House to make corrections in H. B. No. 578.

H. C. R. No. 123, Providing for a joint session to hear an address by the Honorable Sam Rayburn.

H. B. No. 602, A bill to be entitled "An Act amending Subsection (14) of Section 1, Subsection 3 of Section 3, Subsection 1 of Section 5, Subsection 2 of Section 7, Subsections 1, 5, 7, and 8 of Section 8, and Section 10 of S. B. No. 47, Acts of the Forty-fifth Legislature, Regular Session (carrying into effect Section 48a of Article III of the Constitution of Texas, which established a Teacher Retirement System of Texas), as amended by H. B. No. 1016, Acts of the Forty-seventh Legislature, Regular Session (which H. B. No. 1016 amended Sections 1, 5, 6, 7, and 8 of said S. B. No. 47), by changing and adding provisions so as to provide that in time of war and for twelve months thereafter time spent by members of said Retirement System in the Armed Forces of the United States of America, the Armed Forces Reserve, their auxiliaries, the American Red Cross, or in war work under certain conditions, shall not be construed as absent from service but shall count towards membership service under the Act; etc.; and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act fixing the maximum time and limits under which certain game mammals, game birds and fur-bearing animals of this State may be taken in El Paso, Culberson or Huds-



peth Counties; etc.; and declaring an emergency."

### Reports of Standing Committees

Senator Lanning, by unanimous consent, submitted the following reports:

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 323, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the attached Committee amendment.

LANNING, Chairman.

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 182, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 127, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. C. R. No. 115, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 363, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 219, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute do pass and be mimeographed.

LANNING, Chairman.

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 176, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute do pass and be mimeographed.

LANNING, Chairman.

Senator Hazlewood, by unanimous consent, submitted the following report:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred H. B. No. 230, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

Senator Shivers, by unanimous consent, submitted the following report:

Austin, Texas,  
April 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing to whom was referred S. B. No. 365, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Senator Stone, by unanimous consent, submitted the following reports:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 313, have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass with Committee amendment and be not printed.

STONE, Chairman.

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred H. B. No. 462, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Senator Hazlewood, by unanimous consent, submitted the following report:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred H. B. No. 727, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

Address by Mrs. Lymann S. Loomis

In accordance with the Senate resolution adopted on yesterday inviting Mrs. Lymann S. Loomis, the former Baroness Margaret Kostjoksvitsch-Kocens, to address the Senate, the President, at 11:00 o'clock a. m., appointed Senators Graves, Metcalfe, and Winfield to escort her to the President's desk.

The committee named escorted Mrs. Loomis to the President's desk, and Senator Graves presented her to the Senate.

Mrs. Loomis addressed the Senate.

The President thanked Mrs. Loomis for the message brought by her to the Senate of Texas.

House Bill 720 on Second Reading

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 720, A bill to be entitled "An Act to amend Subdivision 30 of Article 199, Title 8 of the Revised Civil Statutes of the State of Texas of 1925, as amended, so as to change the time and terms of holding the terms of the District Court of Wichita County, Texas, constituting the Thirtieth Judicial District of Texas; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 720 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 720 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lane
Beck	Lanning
Brownlee	Lovelady
Bullock	Martin
Cotten	Mauritz
Graves	Metcalfe
Hazlewood	Moffett
Jones	Moore

Morris	Sulak
Ramsey	Vick
Shivers	Weinert
Stone	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

**House Bill 699 on Second Reading**

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 699, A bill to be entitled "An Act to permit any county having a population of 11,700 and not less and not more than 11,750 to adopt according to the last preceding Federal Census by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 699 on Third Reading**

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 699 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

**House Bill 87 on Second Reading**

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 87, A bill to be entitled "An Act repealing S. B. No. 123, Acts of the Forty-sixth Legislature, Regular Session and Chapter 100, Acts of the Forty-third Legislature, First Called Session as to certain lands; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 87 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 87 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	

Nays—1

Aikin

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Bill 343 on Second Reading

On motion of Senator Cotten, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 343, A bill to be entitled "An Act amending Article 4590-a, Chapter 14, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, by amending Sections 3 and 13 of said Article; providing for the regulation of expenses of non-profit corporations furnishing hospital care to their members, with limitations; providing for the investment of funds of said corporations; providing for supervision by the Insurance Commission; providing for necessary expenses of directors; repealing laws in conflict; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Morris offered the following amendments to the bill:

Amend H. B. No. 343 by striking out all below the enacting clause and substituting in lieu thereof the following:

(1)

"Section 1. That Section 3 of Article 4590-a, Chapter 14, Title 71, of the Revised Civil Statutes of Texas, as revised, be amended so as to read hereafter as follows:

"Sec. 3. That said corporations shall be governed and conducted as non-profit organizations for the purpose of offering and furnishing hospital services to their members, in consideration of the payment by such members of a definite sum for hospital care and services so contracted to be furnished; and provided that no paid officer or employee of said corporations shall receive more than Twelve Thousand Five Hundred (\$12,500.00) Dollars per annum for his services.

"Provided, further, that there shall be two funds, namely, the Claim Fund and the Expense Fund.

"The Claim Fund shall be composed of at least eighty (80%) per cent of the regular payments by members, except the application fees.

"The Expense Fund shall be composed of not more than twenty (20%) per cent of regular payments by members, and the application fees.

"The Application Fees shall be paid by applicants prior to becoming members, for the privilege of becoming members, and shall not apply as a part of the cost of receiving benefits under policies issued.

"Both funds shall be invested only in such securities as are legal investments for the funds, except surplus funds of stock casualty insurance companies licensed under the laws of the State of Texas. The net income from the investments shall accrue to the funds, respectively, from which the investments were made.

"The Claim Fund shall be disbursed only for the payment of valid claims and to the extent approved by the Board of Insurance Commissioners for the cost of settling contested claims, and necessary expenses directly incurred on investments of the Claim Fund.

"Sec. 1a. All corporations organized under the provisions of this Act shall be under the direct supervision of the Board of Insurance Commissioners of the State of Texas, and shall be subject to the following requirements:

"(a) Upon incorporation, and as a condition thereof, they shall have collected in advance from at least five hundred (500) applicants the application fee and at least one (1) month's payment for insurance. It shall be a condition of continued operation that a minimum membership of five hundred (500) be maintained;

"(b) They shall file a statement of their operations for the year ending December 31 each year, said statement to reach the Board of Insurance Commissioners not later than March 1 of the succeeding year. The statements shall be on such forms and shall reveal such information as shall be required by the Board;

"(c) They shall maintain solvency in both funds, i.e., the admitted assets of each fund shall exceed the liability of each fund, and it shall be a condi-

tion of licensing by the Board that such solvency be maintained;

"(d) If any such corporation files an acceptable statement showing solvency, and otherwise complies with this Act, the Board shall issue it a certificate authorizing it to transact business for a period of not more than fifteen (15) months, and not extending beyond May 31, next following the date of said certificate;

"(e) All certificate forms and application forms shall be approved by the Board of Insurance Commissioners and all rate schedules shall be filed with the Board before they may be used by the corporation;

"(f) Each such corporation shall place with the State Treasurer through the Board of Insurance Commissioners a deposit equal to One Hundred (\$100.00) Dollars for each One Thousand (1,000) of its members and fractional part of such number, provided that the maximum deposit shall be Two Thousand (\$2,000.00) Dollars. The deposit shall be liable for the payment of all judgments against the corporation and subject to garnishment after final judgment against the corporation. When such deposit becomes impounded or impaired, it shall at once be replenished by the corporation; and if not replenished immediately on demand by the Board, the corporation may be regarded as insolvent and dealt with accordingly;

"(g) They shall furnish a bond for the officer or employee responsible for the handling of the funds, the bond to be in some Surety licensed by the Board of Insurance Commissioners to do business in Texas, and the bond to be in a minimum amount of One Thousand (\$1,000.00) Dollars, to be at all times at least equal to the assets on hand, with a maximum bond of Twenty-five Thousand (\$25,000.00) Dollars. In addition, it shall furnish to all employees who have access to any of the funds separate bonds, or a blanket bond, in amounts to be reasonably fixed by the Board, with a minimum of Five Hundred (\$500.00) Dollars, and a maximum of Ten Thousand (\$10,000.00) Dollars. All such bonds shall be made payable to the Board of Insurance Commissioners for the use and benefit of the corporation;

"(h) It is required of all such corporations that all claims under certi-

ificates be paid in full within sixty (60) days after the services called for by the particular certificate have been rendered, and after receipt of due proof of claim. Written notice of claims given to the corporation shall be deemed due proof in the event the corporation fails, upon receipt of notice, to furnish the claimant within fifteen (15) days such forms as are usually furnished by it for filing such claims.

"The Board of Insurance Commissioners shall cancel the certificate of authority of any corporation found to be operating fraudulently or improperly contesting its claims, or which fails to pay its valid claims in accordance with the provisions of this Section;

"(i) Provided, further, a corporation operating under this Act may be dissolved at any time by a vote of its Board of Directors, and after such action has been approved by the Board of Insurance Commissioners. In the case of such voluntary dissolution, the disposition of the affairs of the corporation shall be made by the officers, and when such liquidation has been completed and a final statement, in acceptable form, filed with the Board of Insurance Commissioners, the facts shall be certified to the Attorney General who shall bring suit in a District Court in Travis County to declare the charter of the corporation cancelled.

"In all other cases where a corporation operating under this Act is found to be insolvent, or to have violated the provisions of this Act, upon a determination of such condition, and after due notice and hearing, the affairs of such corporation shall be disposed of by a liquidator appointed by and under the supervision of the Board of Insurance Commissioners, or, in appropriate cases, under the direction of a court of competent jurisdiction in Travis County;

"(j) The Board of Insurance Commissioners shall charge a fee of Twenty (\$20.00) Dollars for filing the annual statement of each corporation operating under this Act, and a fee of One (\$1.00) Dollar for the issuance of each certificate of authority to such corporation.

"Sec. 2. That Section 13 of Article 4590-a, Chapter 14, Title 71 of the Revised Civil Statutes of Texas, as

revised, be amended so as to read hereafter as follows:

"Sec. 13. No director of any corporation created by this Act shall receive any salary, wages, or compensation for his services, but shall be allowed reasonable and necessary expenses incurred in attending any meeting called for the purpose of managing or directing the affairs of said corporation. Provided, however, that the directors may not have more than one (1) meeting per month, which meeting shall not last more than five (5) days.

"Sec. 3. That all laws or parts of laws in conflict with this Act are hereby declared inapplicable to any and all corporations chartered and operated under this Act.

"Sec. 4. If any Article, Section Sub-section, Sentence, Clause or Phrase of this Act shall for any reason be held unconstitutional or invalid, such decision shall not affect the validity of any remaining portion of this Act. The Legislature hereby declares that it would have passed this Act, and each Section, Sub-section, Sentence, Clause or Phrase thereof, irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses or Phrases thereof are declared unconstitutional.

"Sec. 5. The fact that at this time there is no provision for the investment of funds of corporations created under this Act, and that the limitation for expenses allowed corporations provided for in this Act are inadequate; and that this legislation is needed to better protect the public health creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(2)

Amend H. B. No. 343, by striking out all above the enacting clause and substituting in lieu thereof the following:

"A BILL

"To Be Entitled

"An Act amending Article 4590-a, Chapter 14, Title 71, Revised Civil Statutes of Texas, as revised, by amending Sections 3 and 13 of said

Article; providing for the regulation of expenses of non-profit corporations furnishing hospital care to their members, with limitations; providing for the investments of funds of said corporations; providing a saving clause; and declaring an emergency."

MORRIS.

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 343 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 343 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Bill 321 on Second Reading

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 321, A bill to be entitled "An Act amending Article 2940 of the Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 425, Acts of the Regular Session of the Forty-sixth Legislature; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 321 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 726 on Second Reading**

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 726, A bill to be entitled "An Act to amend Subsection 5, of Article 199, Revised Civil Statutes of Texas of 1925, as amended by Chapter 143, Acts 1937, Forty-fifth Legislature, as amended by Chapter 3, Acts 1939, Forty-sixth Legislature, providing for the reorganization of said District; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Beck offered the following amendment to the bill:

Amend H. B. No. 726 by striking out all before and all after the enacting clause and inserting in lieu thereof the following:

**"A BILL****"To Be Entitled**

"An Act to amend sub-section 5, of Article 199, Revised Civil Statutes of Texas of 1925, as amended by Chapter 143, Acts 1937, Forty-fifth Legislature, as amended by Chapter 3, Acts 1939, Forty-sixth Legislature, reorganizing the Fifth Judicial District of Texas, eliminating Marion County therefrom, providing terms of court for Bowie and Cass Counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

"Section 1. That sub-section 5, of Article 199, Revised Civil Statutes of Texas of 1925, as amended by Chapter 143, Acts 1937, Forty-fifth Legislature, as amended by Chapter 3, Acts 1939, Forty-sixth Legislature, be and the same is hereby amended so as hereafter to read as follows:

**"5. Bowie and Cass.**

"That the 5th Judicial District of Texas shall be composed of the counties of Bowie and Cass, and the terms of the District Courts within said counties shall be as follows:

"In Bowie County on the first Monday in January of each year and may continue in session for six weeks; on the 14th Monday after the first Mon-

day in January, and may continue in session for six weeks; on the 30th Monday after the first Monday in January, and may continue in session for six weeks; on the 42nd Monday after the first Monday in January and may continue in session for six weeks.

"In Cass County beginning on the 6th Monday after the first Monday in January of each year, and may continue in session for eight weeks; on the 20th Monday after the first Monday in January, and may continue in session for 10 weeks; on the 36th Monday after the first Monday, in January and may continue in session for 6 weeks; on the 48th Monday after the first Monday in January and may continue in session for 4 weeks.

"The Clerk of the District Court in each of said Counties and his successors in office shall be the Clerk of the Fifth District Court in said Counties and shall perform all duties pertaining to the Clerkship of said Court.

"The District Court of the 5th Judicial District in Bowie and Cass Counties shall exercise general jurisdiction over civil and criminal matters as is now or may hereafter be conferred by law. Said 5th Judicial District Court shall also have concurrent jurisdiction in Bowie County with the 102nd Judicial District Court, and all causes of action of a civil or criminal nature pending in either court in said county shall, at the adjournment of each term of said court in which the same is pending, be transferred by operation of law to the other court; and said courts, and judges thereof, either in term time or vacation, may transfer any civil or criminal cause pending in their respective court to the other district court in said Bowie County by an order entered upon the Minutes of their respective court.

"All process issued, bonds and recognizances made, and all grand and petit jurors drawn before this Act takes effect shall be valid and returnable to the next succeeding term of the District Court of the several counties as herein fixed respectively as though issued and served for such terms and courts returnable to and drawn for the same.

"The judge and all district officers of the 5th Judicial District as heretofore constituted shall be the judge and district officers of the 5th Ju-



ditional District as constituted and reorganized by this section during the terms for which they were elected.

"Upon taking effect of this Act, all suits, civil or criminal, and all other actions then pending on the docket of the 5th Judicial District Court in Marion County, shall by operation of law be transferred to the 76th Judicial District Court for Marion County, and said causes shall thereafter be and remain as pending on the docket of the 76th Judicial District Court in Marion County. All process issued, and all bonds and recognizances made, and which were issued or served out of or returnable to the District Court of Marion County by and for the 5th Judicial District, prior to the effective date of this Act, shall be valid and returnable to the next succeeding term of the District Court of Marion County for the 76th Judicial District, as now fixed by law, as though the same had been issued and served for such term and court, returnable to and drawn from the same.

"Sec. 2. This Act shall take effect at midnight on July 31st, 1943.

"Sec. 3. All laws and parts of laws in conflict with any provision of this Act shall be, and they are hereby repealed.

"Sec. 4. The fact that Marion County is now in both the 5th Judicial District and the 76th Judicial District, and that the civil and criminal business of the courts in Marion County does not require two district courts therein, and the fact of the crowded condition of the calendar and the near approach of the end of the present session of the Legislature, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule, requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this Act shall take effect, and be in force from and after the effective date as herein declared, and it is so enacted."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 726 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 726 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

#### Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

#### Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Bill 286 on Second Reading

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 286, A bill to be entitled "An Act making appropriation of Five Thousand (\$5,000) Dollars to the Livestock Sanitary Commission of Texas for the purpose of purchas-

ing dip material; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 286 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 286 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

#### Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—22

Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield

#### Nays—2

Aikin	Cotten
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#### Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Bill 326 on Second Reading

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 326, A bill to be entitled "An Act amending Section 1, of Chapter 101, Senate Bill No. 41, Acts of the Regular Session of the Forty-second Legislature, as amended by Section 1, of Chapter 610, Acts of the Regular Session of the Forty-seventh Legislature, so as to make available group life insurance to employees of school districts in the State of Texas; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 326 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 326 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

#### Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 639 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 639, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Court in the 108th Judicial District; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 639 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 639 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Cotten
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones

Lane	Morris
Lanning	Ramsey
Lovelady	Shivers
Martin	Stone
Mauritz	Sulak
Metcalf	Vick
Moffett	Weinert
Moore	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Bill 640 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 640, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Courts in the Forty-seventh Judicial District; validating and continuing all processes issued or served before this Act takes effect and made returnable to the next term of said court, including recognizances and bonds, and making them returnable to the next term of court in the counties of said district as herein fixed; validating the summoning of grand and petit jurors under this Act; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 640 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 640 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Jones
Beck	Lane
Brownlee	Lanning
Bullock	Lovelady
Cotten	Martin
Graves	Mauritz
Hazlewood	Metcalf

Moffett	Stone
Moore	Sulak
Morris	Vick
Ramsey	Weinert
Shivers	Winfield

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

**House Bill 713 on Second Reading**

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 713, A bill to be entitled "An Act prohibiting the transportation outside of the boundaries of any county of minnows in excess of five hundred (500); etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 713 on Third Reading**

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 713 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 108 on Second Reading**

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 108, A bill to be entitled "An Act authorizing the commissioners' court of certain counties, at their option, to levy a tax not to exceed five cents (5c) on the One Hundred Dollars valuation upon personal and real property for the purpose of creating a County Health Unit and paying for medical supplies and services for the immunization of school children and indigent people from communicable diseases; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Weinert offered the following amendments to the bill:

## (1)

Amend H. B. No. 108 by striking out the last sentence of Section 1 and inserting in lieu thereof the following:

"This Act shall not become effective in any county until approved by a majority of the property tax paying voters of that county at an election called for that purpose by the commissioners' court after receiving a petition signed by not less than five (5) per cent of the qualified voters of said county requested such an election."

(2)

Amend H. B. No. 108 by adding after the semi-colon following the word "fund" and before the words "and declaring an emergency" the following:

"Providing for an election to approve this action;"

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 108 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Brownlee
Beck	Bullock

Cotten	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Bill 11 on Second Reading

On motion of Senator Lane, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 11, A bill to be entitled "An Act validating patents heretofore issued in the name and by the authority of the State, under the seal of the State and of the Land Office, signed by the Governor and countersigned by the Commissioner of the General Land Office, under the provisions of Section Five (5), Chapter 271, Acts of the Forty-second Legislature, Regular Session; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 11 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Cotten	Metcalfe
Graves	Moffett
Hazlewood	Moore
Jones	Morris
Lane	Ramsey

Shivers	Vick
Stone	Weinert
Sulak	Winfield

**Absent—Excused**

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—21**

Beck	Metcalf
Brownlee	Moffett
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	

**Nays—3**

Aikin	Moore
Cotten	

**Absent—Excused**

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

**Motion to Recess**

Senator Stone moved that the Senate recess to 2:30 o'clock p. m. today.

The motion was lost.

**House Bill 606 on Second Reading**

On motion of Senator Shivers, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 606, A bill to be entitled "An Act making it lawful to hunt wounded wild deer with one dog in Hardin County, during the open season of each year; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 606 by adding a new Section to read as follows:

"Section 1-a. All laws in conflict with this Act are hereby repealed."

Amend caption to conform.

The amendment was adopted.

The bill was passed to third reading.

**House Bill 606 on Third Reading**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 606 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

**Absent—Excused**

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 187 on Second Reading**

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 187, A bill to be entitled "An Act providing all blind persons with 'Seeing-Eye' dogs shall be permitted on all common carriers for passengers in the State of Texas and providing there shall be no additional fare for such 'Seeing-Eye' dogs; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 187 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	

Nays—1

Cotten

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Cotten asked to be recorded as voting "nay" on the bill.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas.  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 250, A bill to be entitled "An Act authorizing the State De-

partment of Public Welfare to turn over certain records of the Texas Relief Commission, for the years 1932 to September 1, 1939, and all duplicate Old Age Assistance records accumulated for the year 1936 through October, 1938, to the Board of Control and giving said Board of Control authority and requiring it to sell same for salvage or any commercial purpose or otherwise dispose of said records or cause the same to be destroyed; etc.; and declaring an emergency."

H. C. R. No. 52, Concerning boundary line between Texas and Louisiana.

The House has concurred in Senate amendments to H. B. No. 135 by a vote of 113 yeas, 1 nay.

The House has adopted the Conference Committee report on S. B. No. 155 by a viva voce vote.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Motion to Recess

Senator Lovelady moved that the Senate recess to 3:00 o'clock p. m. today.

The motion was lost.

#### House Bill 320 on Second Reading

On motion of Senator Brownlee, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 320, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 320 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 320 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	

Nays—1

Cotten

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Concurrent Resolution 109

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 109, Relating to claim of the State of Oklahoma for reimbursement for loss sustained on account of exemption from taxation of

Indian lands, oil and gas produced from such lands and also the income therefrom.

The President laid the resolution before the Senate, it was read second time and was adopted.

#### House Bill 654 on Second Reading

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 654, A bill to be entitled "An Act applying to that portion of the State of Texas inundated by a dam on the Red River near Denison, Texas, and including lands purchased by the Federal Government for the operation of a reservoir on the Red River; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 654 on Third Reading

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 654 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.



The bill was read third time and was passed.

#### House Bill 709 on Second Reading

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 709, A bill to be entitled "An Act amending Chapter 202, Acts of the Regular Session of the Forty-third Legislature, providing that this Act shall apply to any foreign corporation that shall transact business in Texas, requiring such corporation to keep some resident agent empowered to accept process during all the time said corporation shall transact or do any business within this State; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 709 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 709 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

#### House Bill 608 on Second Reading

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 608, A bill to be entitled "An Act repealing Article 725b, Vernon's Civil Statutes supplemented, 1939, same being Section 3, Title 12, Chapter 3, as amended by Acts 1937, Forty-fifth Legislature, Second Called Session; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 608 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 608 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Jones
Beck	Lane
Brownlee	Lanning
Bullock	Lovelady
Cotten	Martin
Graves	Mauritz
Hazlewood	Metcalfe

Moffett	Stone
Moore	Sulak
Morris	Vick
Ramsey	Weinert
Shivers	Winfield

**Absent—Excused**

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 438 on Second Reading**

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 438, A bill to be entitled "An Act validating, ratifying, confirming and legalizing all proceedings had by cities and towns in the State of Texas having a population of not more than three thousand (3,000) according to the preceding Federal Census, in submitting to the qualified voters, during the year 1941, the question of issuing of revenue bonds under the provisions of Articles 1111 to 1118, Revised Civil Statutes of Texas 1925, as amended; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 438 on Third Reading**

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 438 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Hazlewood
Beck	Jones
Brownlee	Lane
Bullock	Lanning
Cotten	Lovelady
Graves	Martin

Mauritz	Shivers
Metcalfe	Stone
Moffett	Sulak
Moore	Vick
Morris	Weinert
Ramsey	Winfield

**Absent—Excused**

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24**

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

**Absent—Excused**

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

**House Bill 698 on Second Reading**

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 698, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be during the months of March and April; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 698 on Third Reading**

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 698 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 434 on Second Reading**

On motion of Senator Lovelady, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 434, A bill to be entitled "An Act validating the annexation to the Harper Independent School District of Gillespie County, Texas, certain lands and area from the James River School District No. 15 of Kimble County; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 434 on Third Reading**

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 434

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 603 on Second Reading**

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 603, A bill to be entitled "An Act providing that in and for Fayette County, Texas, there shall be imposed upon all male persons who do not reside in an incorporated city, town, or village the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1st of each year the sum of Three (\$3) Dollars; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 603 on Third Reading**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 603 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 281 on Second Reading**

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 281, A bill to be entitled "An Act amending H. B. No. 82, Acts of 1937, Forty-fifth Legislature, First Called Session, Chapter 47, page 1929, prohibiting the transportation of minnows of any and all species out of the counties wherein such minnows are caught, seined, or taken; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 281 on Third Reading**

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 281 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield

## Absent—Excused

Chadick	Lemens
Fain	Spears
Formby	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Recess**

On motion of Senator Lovelady, the Senate, at 1:00 o'clock p. m., took recess to 3:00 o'clock p. m. today.

**Afternoon Session**

The Senate met at 3:00 o'clock p. m. and was called to order by the President.

**Leaves of Absence Granted**

Senators Winfield and Martin were granted leave of absence for the remainder of today on account of important business, on motion of Senator Hazlewood.

**House Bill 230 Set as Special Order**

Senator Lovelady moved that H. B. No. 230 be mimeographed and not otherwise printed and that the bill be set as a special order for next Monday, May 3, 1943, immediately after the completion of the morning call on that day.

The motion prevailed unanimously.

**House Bill 439 Set as Special Order**

Senator Moffett moved that H. B. No. 439 be set as a special order next Monday, May 3, 1943, immediately after disposition of H. B. No. 230.

The motion prevailed unanimously.

**Bills Signed**

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 720, A bill to be entitled "An Act to amend Subdivision 30 of Article 199, Title 8 of the Revised Civil Statutes of the State of Texas of 1925, as amended, so as to change the time and terms of holding the terms of the District Court of Wichita County, Texas, constituting the Thirtieth Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 309, A bill to be entitled "An Act amending Article 2673, Revised Statutes of 1925, as amended by Chapter 278, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

**House Bill 342 on Second Reading**

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 342, A bill to be entitled "An Act providing for the trial of persons in misdemeanor cases in Justice Precinct Courts only in the precinct in which the offense was committed, or in which the defendant resides; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 342 on Third Reading**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 342 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Lanning
Beck	Lovelady
Brownlee	Mauritz
Bullock	Metcalfe
Cotten	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Stone

Sulak  
Vick

York

Absent

Shivers

Weinert

Absent—Excused

Chadick

Lemens

Fain

Martin

Formby

Spears

Kelley

Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 379 on Second Reading**

On motion of Senator Brownlee, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 379, A bill to be entitled "An Act to amend Section 9 of Section 2 (b) of S. B. No. 412, Chapter 192, Acts 1933, Forty-third Legislature, Regular Session, as amended by Section 5 of H. B. No. 990, Chapter 13 of Title; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 379 on Third Reading**

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 379 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

**Absent—Excused**

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 473 on Second Reading**

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 473, A bill to be entitled "An Act making specific appropriation of \$200.00 or so much thereof as may be necessary out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay certain judgment obtained by W. F. Howell, against the State of Texas, as rendered on the 21st of November A. D. 1941, in the District Court of Parker County, Texas, in cause No. 9935, wherein W. F. Howell is plaintiff, to whom prior permission had been granted to bring such suit, and the State of Texas and the State Highway Commission of Texas, are defendants, for the principal sum of \$150.00 with interest at the legal rate of six per centum per annum from the date of said judgment until paid, such judgment being rendered for damages done to W. F. Howell's land in Parker County, Texas, by reason of rebuilding of United States Highway No. 80, State Highway No. 1; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 473 on Third Reading**

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 473 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Brownlee
Beck	Bullock

Cotten	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Mauritz	Vick
Metcalfe	York

**Absent**

Weinert

**Absent—Excused**

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

**Absent**

Weinert

**Absent—Excused**

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

**House Bill 317 on Second Reading**

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 317, A bill to be entitled "An Act to amend Section 3 of S. B. No. 41, Acts of the Regular Session of the Forty-second Legislature, providing for certain provisions to be inserted in group life insurance policies; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 317 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 317 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 318 on Second Reading

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 318, A bill to be entitled "An Act to amend Section 5 of H. B. No. 5, Acts of the Regular Session of the Forty-seventh Legislature, providing for certain provisions to be inserted in industrial life insurance policies; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 318 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 318 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(Senator Lanning in the Chair.)

#### Message from the House

Hall of the House of Representatives.  
Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 126, Suspending the joint rules in order that either House may consider both House and Senate bills on Thursday, April 29, 1943 at any time after 8:00 p. m.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**House Concurrent Resolution 126**

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 126, Suspending joint rules so that either House may consider House or Senate bills on Thursday, April 29, 1943, after 8:00 o'clock p. m. on that day.

The Presiding Officer laid the resolution before the Senate and it was read and was adopted.

(President in the Chair.)

**Committee Substitute House Bill 278 on Second Reading**

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.H.B. No. 278, A bill to be entitled "An Act creating the Dental College of the University of Texas; fixing its location; authorizing the Board of Regents to accept on behalf of the University of Texas a deed to the building, improvements and equipment of the Texas Dental College to be used by and for the Dental College of the University of Texas; constituting the Dental College of the University of Texas as a branch of the University of Texas; placing the control and management of such in the Board of Regents; setting forth the principal purpose of such college; providing that subjects taught should meet the requirements of certain standard educational associations; providing that the Board of Regents of the University of Texas shall appoint the faculty, and that upon appointment they shall be members of the faculty of the University; providing that the Board of Regents may confer degrees, fix standards, and make proper rules and regulations for the control and management of the College; providing that the College should give courses leading to degrees and such other courses as the Board of Regents may deem necessary; placing in the Board of Regents power to fix the amount of tuition charges and appropriating such moneys and fees for the use of the College, under the direction of the Board of Regents, but subject

however to appropriation by the Legislature; authorizing the Board of Regents to accept grants and gifts of property or money for the use of such College; providing a savings clause; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 278 by inserting after the second sentence in Section 1 the following:

"The title and possession to such property shall not be accepted by the Board of Regents unless and until the Attorney General shall approve the title and deed as placing in the State of Texas a good and merchantable title to such property free of all liens and encumbrances."

The amendment was adopted.

Pending further consideration of the bill, Senator Lanning occupied the Chair temporarily.

(President in the Chair.)

The bill was passed to third reading.

**Committee Substitute House Bill 278 on Third Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Formby
Fain	Kelley



Lemens  
Martin

Spears  
Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Report of Standing Committee

Senator Hazlewood, by unanimous consent, submitted the following report:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred H. B. No. 248, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

(Senator Graves in the Chair.)

#### House Bill 697 on Second Reading

On motion of Senator Cotten, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 697, A bill to be entitled "An Act amending Subsection 13 of Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the length of the July term of court of the 13th Judicial District; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 697 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 697 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin  
Beck  
Brownlee  
Bullock

Cotten  
Graves  
Hazlewood  
Jones

Lane  
Lanning  
Lovelady  
Mauritz  
Metcalf  
Moffett  
Moore

Morris  
Ramsey  
Shivers  
Stone  
Sulak  
Vick  
York

Absent

Weinert

Absent—Excused

Chadick  
Fain  
Formby  
Kelley

Lemens  
Martin  
Spears  
Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin  
Beck  
Brownlee  
Bullock  
Cotten  
Graves  
Hazlewood  
Jones  
Lane  
Lanning  
Lovelady

Mauritz  
Metcalf  
Moffett  
Moore  
Morris  
Ramsey  
Shivers  
Stone  
Sulak  
Vick  
York

Absent

Weinert

Absent—Excused

Chadick  
Fain  
Formby  
Kelley

Lemens  
Martin  
Spears  
Winfield

#### House Bill 451 on Second Reading

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 451, A bill to be entitled "An Act amending Article 881b, Penal Code of the State of Texas, Vernon's Texas Statutes, 1936, being Chapter 61, Third Called Session, Forty-third Legislature, so as to include mourning doves and other migratory game birds; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 451 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 451 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 574 on Second Reading

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 574, A bill to be entitled "An Act adding to Chapter 7 of Title 78 of the Revised Civil Statutes of Texas, 1925, an article to be known as Article 4819a of such statutes; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 574 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 574 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Nays—1

Brownlee

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

Senator Brownlee offered the following amendment to the bill:

Amend H. B. No. 574 by striking out all below the enacting clause and substituting therefor the following:

"Section 1. (a) Any domestic local mutual aid association; State-wide life, or life, health and accident association; mutual assessment life, health and accident association; burial association; or any other similar concern, by whatsoever name or class designated, whether specifically named herein or not, organized and operating under the laws of the State of Texas, may convert or reinsure itself into a legal reserve insurance company operating under the provisions of Chapter 7, Title 78, Revised Civil Statutes of Texas, 1925, as amended, or be reinsured by any legal reserve insurance company operating under the provisions of Chap-

ter 3, Title 78, of the Revised Civil Statutes of Texas, 1925, as amended, by conforming to the provisions of this Act. When it shall be determined by a majority vote of the Board of Directors of any such association to submit the proposed change to the members of the association, said board of directors shall prepare in detail plans for making such change, and such plans shall be submitted to the Board of Insurance Commissioners. Upon receipt of such Board's written approval of such plans, or of such plans amended to meet the requirements of such Board in accordance with the provisions of said chapters, said board of directors or such officer of such association as may be authorized by its by-laws to call a meeting of its members, shall mail to each member a copy of the proposed plans and shall enclose with each copy of such plans a notice of a meeting of said members to be held not earlier than fifteen (15) days after the date of mailing of such notice.

"(b) Such meeting shall be held for the purpose of ratification or rejection of the proposed change, and the members may vote in person, by proxy, or by mail; provided that all votes shall be cast by ballot, and the Chairman of the meeting shall supervise and direct the method of procedure of said meeting and appoint an adequate number of inspectors to conduct the voting at said meeting, who shall have power to determine all questions concerning the verification of the ballots, the ascertainment of the validity thereof, the qualifications of the voters, and the canvass of the vote, and who shall certify to the Chairman of the Board of Insurance Commissioners and to the Association the result thereof, under such rules and regulations as shall be prescribed by the Board of Insurance Commissioners. A majority vote cast shall be sufficient for ratification of said change.

"(c) When such association shall have complied with the provisions of this Act and the other laws of this State regulating the incorporation of such mutual legal reserve insurance companies, and shall have received from the Board of Insurance Commissioners its charter and certificate of authority to transact business as a mutual insurance com-

pany, its reorganization and conversion shall be complete. Such reorganized and converted or reinsured corporation shall be deemed in law to have all the rights, privileges, powers and authority of any other corporation organized in accordance with the provisions of said chapters. The new corporation shall be deemed in law to be a continuation of the business of the former association and shall succeed to and become invested with all and singular the rights and privileges not inconsistent with the provisions of said chapters, and all property, real, personal or mixed of the former association, and all debts due on any account, and all other things and choses in action theretofore belonging to such association, and all property rights, privileges, franchises, and all other interest, shall thereafter be as effectually the property of such organized and converted corporation as if they were the property of the former association, and the title to any real estate by deed or otherwise vested in the former association shall forthwith vest in such organized converted corporation and the title thereto shall not in anyway be impaired by reason of such change or reincorporation. The standing of all claims under the former association shall be preserved unimpaired under the new corporation, and all debts, liabilities and duties of the former association shall thenceforth attach to the reorganized corporation and may be enforced against it to the same extent as if said debts and liabilities had been incurred or contracted by the new corporation, except that the liabilities created under the terms of policies or certificates outstanding at the date of conversion or reorganization may be altered in accordance with the provisions of said plans approved by the Board of Insurance Commissioners.

"Sec. 2. The sums of any mortuary funds belonging to such association shall thereafter be effectually the property of such organized and converted corporation or corporation reinsuring the membership of such association, but may be disbursed for payment of valid claims outstanding and arising thereafter from policies issued by the legal reserve company to the members of the assessment association under the approved agree-

ment; to set up the legal reserve on new policies issue by the legal reserve company to the members of the assessment association under said agreement; and to pay their actuarial portion of such mortuary fund to members of such association who refuse to accept the new policies offered them, and who make request therefor within sixty (60) days from the date of conversion or reinsurance.

"The effective date of the legal reserve policies may be the effective date of the reinsurance contract. On conversion ten per cent of the Mortuary Fund credit allocated to each policy may be credited to the Contingency Reserve Fund of the Company for the benefit of the policyholders, and the balance of the Mortuary credit may be applied in either of the following ways:

"(a) As a reserve credit to permit the legal reserve policy issued to be dated back as far as the reserve credit will permit; or

"(b) As an annuity to reduce the required premium either for a given term or for the whole of life.

"Sec. 3. Providing further that nothing in this Act or in the provisions of Chapter 7, Title 78, Revised Civil Statutes of 1925, as amended, or Chapter 3, Title 78, Revised Civil Statutes of 1925, as amended, shall ever be construed to mean that any of the associations or other similar concerns, by whatsoever name or class designated, whether specifically named herein or not, shall be required by the Board of Insurance Commissioners to make the change herein provided for unless they voluntarily decide to do so, and that this Act is purely permissive and if such associations do not so voluntarily decide to come under this Act, or laws amended by it, then this bill shall not in any way apply to such associations.

"Sec. 4. If any section or portion of section of this Act shall for any reason be declared invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other section or portion of this Act.

"Sec. 5. The importance of this legislation, and the immediate and urgent need of the reforms to be affected hereby, create an emergency and an imperative public necessity demanding the suspension of the Con-

stitutional Rule requiring that all bills be read on three several days in each House, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

Senator Aikin offered the following amendment to the amendment:

Amend substitute for H. B. No. 574 by adding a new subsection to be known as Sub-section "c" of Section 2 to read as follows:

"No change shall ever be made until same shall have been approved by the Board of Insurance Commissioners."

The amendment to the amendment was adopted.

The amendment as amended was adopted by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The bill was passed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

**Absent—Excused**

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

**Report of Standing Committee**

Senator Mauritz, by unanimous consent, submitted the following report:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Debt, Claims and Accounts to whom was referred S. B. No. 354, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute attached hereto pass and be printed.

MAURITZ, Chairman.

**Motion to Reconsider Vote on House Bill 301 Lost**

Senator Vick called up for consideration at this time the motion to reconsider the vote by which H. B. No. 301 was passed, said motion having been made and spread upon the Journal on April 21, 1943.

Question—Shall the motion to reconsider prevail?

The motion to reconsider was lost.  
(President in the Chair.)

**House Bill 683 on Second Reading**

On motion of Senator Lane, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 683, A bill to be entitled "An Act to amend Subsection 71 of Article 109, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 71st District Court in Harrison and Gregg Counties, constituting the Seventy-first Judicial District of Texas; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 683 on Third Reading**

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 683 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

**Absent**

Weinert

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Report of Standing Committee**

By unanimous consent, the following report was submitted at this time:

Austin, Texas,  
April 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. 292, have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

VICK, Chairman.

**House Bill 8 on Second Reading**

Senator Hazlewood moved that the regular order of business be suspended to take up for consideration at this time:

H. B. No. 8, A bill to be entitled "An Act further regulating the sale and consumption of alcoholic beverages by amending Article I, Chapter

467, Acts of the Second Called Session of the Forty-fourth Legislature; etc.; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—20

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Stone
Lane	Vick
Lanning	York

Nays—1

Sulak

Absent

Shivers

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill:

Amend H. B. No. 8 by adding a new section to be known as Section 10-A to be inserted at the end of Section 3 of the bill, and to read as follows:

"Section 10-A. It shall be unlawful for any person to sell beer or offer same for sale in the unincorporated areas within any county during any hour when the sale thereof is forbidden within the most populous incorporated city or town within such county."

Senator York moved to table the (committee) amendment.

Yeas and nays were demanded, and the roll call on the motion to table revealed the absence of a quorum, only 19 senators answering to their names.

Senator Moore moved a call of the Senate to secure and maintain a quorum until final disposition of H. B. No. 8, and the call was duly seconded.

The call of the Senate then was ordered by the following vote:

Yeas—15

Aikin	Metcalf
Beck	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Stone
Lovelady	York
Mauritz	

Nays—5

Brownlee	Lanning
Bullock	Sulak
Cotten	

Absent

Shivers  
Vick

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

Senator Moore moved that the Sergeant-at-Arms enforce the attendance of all unexcused absentees.

The motion prevailed.

(Senator Aikin in the Chair.)

Senator Shivers appeared in the Senate Chamber and was announced present.

A quorum was announced present.

Senator Sulak moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—6

Brownlee	Graves
Bullock	Mauritz
Cotten	Sulak

Nays—15

Aikin	Moffett
Beck	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	York
Metcalf	

Absent

Vick

Weinert

## Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

Senator Sulak moved the previous question on the motion to table, and on the (committee) amendment and the passage of the bill to third reading, and the motion was duly seconded.

The main question was ordered by the following vote:

## Yeas—19

Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lovelady	York
Mauritz	

## Nays—2

Aikin	Lanning
-------	---------

## Absent

Vick	Weinert
------	---------

## Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

Question then first recurring on the motion to table the (committee) amendment, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—20

Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Mauritz	York

## Nays—1

Aikin
-------

## Absent

Cotten	Weinert
--------	---------

## Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The bill then was passed to third reading.

## House Bill 8 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—21

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Vick
Lovelady	York

## Nays—1

Sulak
-------

## Absent

Cotten	Weinert
--------	---------

## Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—19

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Vick
Lanning	York
Lovelady	

## Nays—2

Stone	Sulak
-------	-------

**Absent**

Cotten Weinert

**Absent—Excused**

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

**House Bill 664 on Second Reading**

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 664, A bill to be entitled "An Act amending Section 1 of S. B. 441, Regular Session, 47th Legislature, so as to apply to Burleson, Fayette, Lee, Washington, and Calhoun Counties; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 664 on Third Reading**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 664 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

**Absent**

Weinert

**Absent—Excused**

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 681 on Second Reading**

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 681, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from the waters of the Sulphur River of Bowie and Red River Counties, except a seine or net of not less than two inch square mesh; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 681 on Third Reading**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 681 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

**Absent**

Weinert

**Absent—Excused**

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.



The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

#### House Bill 655 on Second Reading

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 655, A bill to be entitled "An Act relating to marks and brands in Ochiltree County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new section to be known as Article 6899h, requiring that in said county each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, 1925, shall, within six (6) months after this Act takes effect, have his mark and brand for such livestock recorded at the office of the County Clerk; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 655 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 655 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

#### Reference of House Concurrent Resolution 52

The following resolution was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 52, to Committee on Public Lands and Land Office.

**Senate Bill 349 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 349, A bill to be entitled "An Act to enlarge the jurisdiction of the County Court of Morris County, Texas, in criminal cases to enable the County Judge of Morris County, Texas, to accept pleas of guilty in all cases of misdemeanor; providing for fees to County Judge in certain cases; providing fees for other officers of the Court shall be the same as now provided by laws of the State; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 349 on Third Reading**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 349 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Bullock
Beck	Cotten
Brownlee	Graves

Hazlewood	Moore
Jones	Morris
Lane	Ramsey
Lanning	Shivers
Lovelady	Stone
Mauritz	Sulak
Metcalfe	Vick
Moffett	York

Absent

Weinert

Absent—Excused

Chadick	Lemens
Fain	Martin
Formby	Spears
Kelley	Winfield

**Senate Bill 360 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 360, A bill to be entitled "An Act to amend Section 2 of Chapter 130, Acts, 1941, Forty-seventh Legislature, page 181, concerning Water Control and Improvement Districts located wholly in counties having a population in excess of five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, and amending Section 10 of Chapter 129, Acts, 1941, Forty-seventh Legislature, page 177, concerning Fresh Water Supply Districts located wholly in counties having a population in excess of five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, by suspending until the cessation of hostilities of the present war the requirements therein contained that Articles 1667 through 1673, Revised Civil Statutes of Texas, 1925, as amended, apply to the accounting of such districts and the record of purchases thereof, and reenacting said statutes without said provisions; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 360 on Third Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent—Excused

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent—Excused

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

#### Senate Bill 364 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 364, A bill to be entitled "An Act amending Subsection 50, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 83, Chapter 14, Acts of the Regular Session of the Forty-first Legislature; changing the time and term of holding the 50th Judicial District Court in Baylor, Knox, King,

and Cottle Counties, constituting the 50th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and districts as herein fixed; validating the summoning of grand and petit juries under this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 364 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 364 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent—Excused

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

## Absent—Excused

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

## Senate Bill 299 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 299, A bill to be entitled "An Act amending Article 5017 of the Revised Civil Statutes of Texas, 1925, as continued or amended by Acts 1929, Forty-first Legislature, First Called Session, page 32, Chapter 11, Section 1; providing severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 299 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 299 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

## Absent—Excused

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill 300 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 300, A bill to be entitled "An Act amending Article 5017d of the Revised Civil Statutes of Texas, as added by Acts 1929, Forty-first Legislature, First Called Session, page 32, Chapter 11, Section 1; providing severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 300 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 300 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

## Absent—Excused

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill 301 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 301, A bill to be entitled "An Act amending and supplementing Article 5017e of the Revised Civil Statutes of Texas, as added by Acts 1929, Forty-first Legislature, First Called Session, page 32, Chapter 11,

Section 1, by adding thereto a provision that if the assets of a Lloyd's Association under joint control of its Attorney-in-Fact and the Board of Insurance Commissioners be placed with a Custodian selected and employed by such Board, such Lloyds shall pay a reasonable fee for such Custodian's services, to be fixed by such Board, not exceeding \$100 per annum; providing severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 301 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 301 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Absent—Excused

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### Senate Bill 313 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 313, A bill to be entitled "An Act to amend Article 525 of the Penal Code of the State, 1925; and declaring an emergency."

The bill was read second time.

Senator Lane offered the following (committee) amendment to the bill:

Amend S. B. No. 313 by striking out all of Section 1, and by inserting in lieu thereof the following:

"Section 1. Article 525 of the Penal Code of the State of Texas, 1925, is hereby amended to hereafter read as follows:

"Art. 525. Procuring. Whoever shall invite, solicit, procure, allure or use any means in alluring or procuring any male or female to visit and be at any particular house, room, vehicle, or place for the purpose of meeting and having unlawful sexual intercourse with any person, or to take part or in any way participate in any immoral conduct with men or women; or give to any person the name and address, or either, or photograph of any male or female for the purpose of enabling the person to whom the same is given to meet and have unlawful sexual intercourse or to bring about or procure such intercourse with such male or female shall be fined not less than Fifty (\$50.00) nor more than Two Hundred (\$200.00) Dollars and be confined in jail not less than one (1) nor more than six (6) months. Conviction for any offense defined in this Act may be had upon the uncorroborated evidence of an accomplice."

And amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

### Senate Bill 313 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 313 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

**Absent—Excused**

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—22**

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

**Absent—Excused**

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

**Senate Bill 352 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 352, A bill to be entitled "An Act to provide in all counties having five thousand (5,000) or more cattle, sheep, and goats rendered for taxation for the employment of certain law enforcement officers; providing for their duties and reports; providing that one or more officers may serve more than one county and that where such counties agree and employ one or more officers to serve several counties, the compensation may be pro-rated among the counties; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 352 on Third Reading**

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 352 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

**Absent—Excused**

Chadick	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield
Lemens	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 357 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 357, A bill to be entitled "An Act permitting insurance carriers organized and licensed under the laws of the Republic of Mexico, or any State thereof, to underwrite in the State of Texas automobile coverage, accident and other insurance risks upon persons and personal property while in the Republic of Mexico, prescribing the conditions to be complied with to enjoy such privileges; repealing all laws and parts of laws to the extent of conflict herewith; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 357 on Third Reading**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 357 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

#### Senate Bill 361 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 361, A bill to be entitled "An Act to amend Article 4296, Revised Civil Statutes of 1925; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 361 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 361 be placed on its third reading and final passage

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

#### Senate Bill 365 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 365 be

placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 365 on Third Reading

The Presiding Officer then laid S. B. No. 365 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

#### Senate Bill 170 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 170, A bill to be entitled "An Act amending Article 36, Code of Criminal Procedure, Vernon's Texas Statutes, 1936, defining peace officers so as to include game and fish wardens and other officers of the Game, Fish and Oyster Commission; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 170 by striking out the words "and other officers" immediately after the words "game and fish wardens" wherever it appears in the body of the bill and by striking out the same words in the caption thereof.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 170 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 170 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.



**Senate Bill 338 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 338, A bill to be entitled "An Act amending Article 2700.1, Acts of the Forty-seventh Legislature, 1941, pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for salaries of county superintendents in counties having more than thirty-five hundred (3,500) scholastics and less than eight thousand and one (8,001) scholastics under certain conditions; providing for assistants to the county superintendent; providing for supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all General Laws in conflict herewith except such General Laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend the bill by striking out all except the enacting clause and inserting the following:

**"A BILL****"To Be Entitled**

"An Act to amend Section 1, Article 2700.1, Title 49, Revised Civil Statutes of 1925, 1942 Supplement, pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for salaries of county superintendents in counties having more than thirty-five hundred (3500) scholastics and less than eight thousand and one (8,001) scholastics under certain conditions; providing for assistants to the county superintendent; providing for supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all general laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county, and declaring an emergency."

"Section 1. Article 2700.1, Title 49, Revised Civil Statutes of 1925, 1942 Supplement, is hereby amended so as to hereafter read as follows:

"Article 2700.1. Salary of the County Superintendent. The elective county superintendents shall receive from the available school fund of their respective counties annual salaries based on the scholastic population of such counties as follows:

Population	Amount
3,000 or less	\$1,800.00
3,001 to 4,000	2,000.00
4,001 to 5,000	2,200.00
5,001 to 6,000	2,400.00
6,001 to 7,000	2,600.00
7,001 to 8,000	2,800.00
8,001 to 9,000	3,000.00
9,001 to 12,000	3,200.00
12,001 to 15,000	3,400.00
15,001 to 30,000	3,600.00
30,001 to 40,000	3,800.00
40,001 to 50,000	4,200.00
50,000 and over	4,800.00

"Provided, however, in counties having more than thirty-five hundred (3500) scholastics and less than eight thousand and one (8,001) scholastics, where no supervisor is employed and where the total expense for office assistants does not exceed Eighteen Hundred (\$1800.00) Dollars per annum, the salary of the county superintendent may be set at a sum not to exceed Three Thousand (\$3,000.00) Dollars per annum by action of the County Board of Trustees.

"In making the annual budget for county administration expenses the county school trustees shall make allowance out of the State Available School Fund for salary and expenses of the office of the county superintendent and the same shall be determined by the resident scholastic population of the county. It shall be the duty of the county board of trustees to file the budget for county administration expense with the State Department of Education and attested to by the county superintendent. The compensation herein provided for shall be paid monthly upon the order of the county school trustees; provided that the salary for the month of September shall not be paid until the county superintendent presents a receipt from the State Superintendent showing that he has made all reports required of him. The county superintendent, with the approval and the

confirmation of the county board of education, may employ a competent assistant to the county superintendent and may also employ such other assistants as necessary provided the aggregate amount of the salaries of all assistants shall not exceed Thirty-two Hundred (\$3200.00) Dollars annually; and the county board of education may make further provisions as it deems necessary for office and traveling expenses of the county superintendent; provided that expenditures for office and traveling expenses of the county superintendent shall not be less than Three Hundred (\$300.00) Dollars, and not more than Eight Hundred (\$800.00) Dollars per annum. such expenses shall first be proven by affidavit therefor, and said board is hereby authorized to fix the salary of such assistants and pay same out of the same funds from which the salary and expenses of the county superintendent are paid.

"Sec. 2. The fact that the county board can more equally divide the amount among assistants used in his office creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House be suspended and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 338 on Third Reading

Senator Vick moved that the constitutional rule requiring bill to be read on three several days be suspended and that S. B. No. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

#### Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in the Chair.)

#### Senate Bill 363 on Second Reading

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 363, A bill to be entitled "An Act relating to the salaries of all State officers except the salaries and other compensation of district judges and except those Constitutional State officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals out of the fees of office; and specifically repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 363 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 363 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Shivers
Lanning	Stone

Sulak  
Vick

York

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 358 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 358, A bill to be entitled "An Act to be known as Article 6203aa, authorizing the Board of Lease of Texas Prison Lands to grant permits for geological surveys or investigations on Prison Lands, providing the means and manner thereof and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 358 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. 358 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

#### Adjournment

Seantor Mauritz moved that the Senate adjourn until 10 o'clock a. m., Monday, May 3, 1943.

The motion prevailed; and the Senate, accordingly, at 4:50 o'clock p. m., adjourned until 10 o'clock a. m., Monday, May 3, 1943.

#### SIXTY-SECOND DAY

(Monday, May 3, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 29, 1943, was dispensed with and the Journal was approved.